II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1 and 25-47 are pending in the application. Claims 1 and 36 are independent.

Claim 1 has been amended by incorporating therein the limitations of Claims 5, 6, and 7. Claims 2-24 have been cancelled. Applicants have added new Claims 25-47 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and Drawings (see, for example, paragraphs [0016] - [0026] of the specification), and are believed to be allowable for the reasons to be developed below.

The various objections and rejection of the claims set forth at pages 2-3 of the Office Action have been mooted by the cancellation of the relevant claims.

Claims 1-24 were rejected as being unpatentable over Kalavade, Brown, Lewis, and Sorber, for the reasons noted at pages 4-10 of the Office Action. Applicants respectfully traverse all art rejections.

Kalavade discloses a system whereby a subscriber to a wide area network (WAN) is granted access to a local area network (LAN) after an authentication step, based on authentication information

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stored at a WAN authentication system. The system also provides
converged billing and authentication functions in a converged
billing/authentication gateway (CBG) server to interface with
existing WAN authentication and billing systems, with converged
billing and authentication data stored at a CBG database. In order
for a subscriber to take advantage of the system described in
Kalavade, non-standard modifications to the existing network operator
infrastructure are required. Specifically see Figures 1, 2 and 3,
and paragraph 56, which states that the "CBG integrates these two
systems" (i.e. that of the LAN and the WAN); and also see paragraphs
108 through 141 which relate various methods of a subscriber signing
up for the service via the CBG server, and accessing the service
using authentication data stored at the CBG database. Additionally,
paragraphs 276 through 348 describe various signup call flows,
wherein each scenario described requires the subscriber to
communicate with the CBG server, either directly or indirectly, in
order to access the service.

Further, Kalavade is inherently limited to pre-existing
post-paid wireless subscribers. Specifically, at paragraph 227 –
230, Kalavade describes the mechanisms whereby the CBG interfaces
with a network operator's billing systems. Notably, all of these
mechanisms relate to the generation of a record which in turn is

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provided to a post-paid or mediation platform. This point is emphasized by Kalavade at paragraph 68 where it is noted that the operator's mediation systems collects the usage information to generate a single bill. That is, the post-paid subscriber would be billed and invoiced by the network operator's established billing mechanisms. This method is thus inherently limited to post-paid wireless subscribers that receive invoices on a periodic basis and cannot be extended to pre-paid subscribers or other real-time based account structures (e.g. pay per use) generally.

Brown discloses a system method and program for billing for telephone transactions provided at an origin device according to the billing plan of the caller currently utilizing the device (paragraph 37). Brown further discloses various types of billing plans that may be associated with a caller currently utilizing the device, at paragraphs 47, 126, 137 and the configurability of such at paragraph 139. Brown further discloses in Figures 2 and 3, and paragraphs 119, that the device (element 40) must communicate directly with an intermediary device (element 42), in order for the user to take advantage of the features of Brown.

At the outset, the disclosure associated by Brown is associated with the transfer of a charge for the use of a given service (or the purchasing of a good) to a given caller that is using

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a given origin device. As disclosed by <u>Brown</u> in the 'Description of

the preferred embodiment' at paragraphs 37-50, once a call is

originated from an origin, the authentication of the caller is

originated via voice authentication. It should be emphasized that

the disclosure provided by <u>Brown</u> requires material modifications to

existing infrastructure deployed by wireline or wireless network

operators. Notwithstanding the use of a voice authentication server

(see <u>Brown</u> at paragraphs 74 and 75), which is a non-standard element

in wireline and wireless networks, as described in Figure 5 and

paragraphs 143-145, the originating central office is required to

both invoke a specific authentication step, retrieve and store a

'VID' (Voice Identifier) profile, and communicate billing information

to an 'Telco App Server'.

In the first cited passage (column 12 line 64 to column 13

line 27) <u>Lewis</u> discloses the creation of a temporary subscriber

account for a subscriber who decides to receive free calling time in

return for listening to or viewing advertisements. In the second

cited passage (column 1 lines 22-26) <u>Lewis</u> discloses that is it known

to monitor and decrement an account balance. However the methods of

<u>Lewis</u> still require that the subscriber be a post-paid subscriber in

order to bill the subscriber for calling time used, once the free

calling time has been used (column 1, lines 24-25).

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Furthermore, the cited text in <u>Lewis</u> is specific to a circuit-switched call and unrelated to the use of a WLAN or IP environment generally. As disclosed in Figure 5 (associated with the cited text) and at column 8 line 65 to column 9 line 11, a 'Calculation Engine' required to implement this method requires a direct link to an SCP as well as proprietary modifications to 'program' the SCP. Hence, in order to take advantage of the system described in <u>Lewis</u>, non-standard modifications to the existing network operator infrastructure are required.

<u>Sorber</u> discloses an apparatus and method for facilitating pre-paid communication services. It is respectfully submitted that <u>Sorber</u> has been cited by the Examiner merely to recount certain details of pre-paid user accounts. It is respectfully submitted that the pending claims are fully patentable over Sorber whether taken individually or in combination with the other references.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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